

EXHIBIT 4

1987 Tenn. Pub. Acts 841, ch. 432, § 2

PUBLIC ACTS and RESOLUTIONS

of the

STATE OF TENNESSEE

Passed by the

NINETY-FIFTH

GENERAL ASSEMBLY

First Regular Session, 1987

**Published by Authority of
Tennessee Code Annotated, Title 12, Chapter 5
under the Direction of
GENTRY CROWELL
Secretary of State**

AN ACT To enact "The Adult-Oriented Establishment Registration Act of 1987".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The act shall be known and cited as "The Adult-Oriented Establishment Registration Act of 1987".

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Adult-Oriented Establishments", shall include, but not be limited to, "adult bookstores", "adult motion picture theaters", "adult mini-motion picture establishments", or "adult cabaret" and further means any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model-studio, escort services, escort or any other term of like import.

(2) "Adult bookstore" means an establishment having as a substantial or significant portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specific anatomical areas" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies, or live entertainment, for observation by patrons therein.

(3) "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

(4) "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

(5) "Adult cabaret" means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

(6) "Board" means the Adult-Oriented Establishment Board, or, if there is in existence in the county a Massage Registration Board appointed by the county executive, such board may be substituted for the board.

(7) "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

(8) "Entertainer" means any person who provides entertainment within an

adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee, escort or an independent contractor.

(9) "Adult entertainment" means any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(10) "Operator" means any person, partnership, or corporation operating, conducting or maintaining an adult-oriented establishment.

(11) "Specified sexual activities" means:

(A) human genitals in a state of sexual stimulation or arousal;

(B) acts of human masturbation, sexual intercourse or sodomy;

(C) fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

(12) "Escort service" means a person as defined herein, which, for a fee, commission, profit, payment or other monetary consideration, furnish or offers to furnish escorts or provides or offers to introduce patrons to escorts.

(13) "Person" means an individual, partnership, limited partnership, firm, corporation or association.

(14) An "escort" is a person who, for monetary consideration in the form of a fee, commission, salary or tip: dates, socializes, visits, consorts with, accompanies, or offers to date, consort, socialize, visit or accompany; social affairs, entertainment or places of amusement or within any place of public resort or within any private quarters of a place of public resort.

(15) "Open office" means an office at the escort service from which the escort business is transacted and which is open to patrons or prospective patrons during all hours during which escorts are working which is managed or operated by an employee, officer, director or owner of the escort service having authority to bind the service to escort and patron contracts and adjust patron and consumer complaints.

(16) "Specified anatomical areas" means:

(A) less than completely and opaquely covered:

(i) human genitals, pubic region;

(ii) buttocks;

(iii) female breasts below a point immediately above the top of the areola; and

(B) human male genitals in a discernibly turgid state, even if completely opaquely covered.

(17) As applied to metropolitan forms of government, "county" shall mean that portion of the general services district which lies outside of the urban